

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KIMBERLY VUOCOLO,	:	CIVIL ACTION – LAW
Plaintiff	:	
	:	NO.
vs.	:	
	:	JUDGE:
CIOCCA DEALERSHIPS,	:	
Defendant	:	ELECTRONICALLY FILED
	:	
	:	JURY TRIAL DEMANDED

COMPLAINT

1. Plaintiff, Kimberly Vuocolo (“Vuocolo”), is an adult individual currently residing at 2151 Stopper Drive, Montoursville, Lycoming County, Pennsylvania 17754, within the Middle District of Pennsylvania.

2. Defendant, Ciocca Dealerships, is a motor vehicle dealership business with multiple locations within the Commonwealth of Pennsylvania, amenable to suit in the Commonwealth of Pennsylvania, with its primary location at 750 South West End Boulevard (Route 309), Quakertown, Bucks County, Pennsylvania 18951, within the Middle District of Pennsylvania.

3. At all times relevant hereto, Vuocolo was employed at one of Defendant's Lycoming County, Pennsylvania, locations.

4. This action is brought pursuant to the Age Discrimination in Employment Act, 29 U.S.C. §§621 *et seq.* ("ADEA").

5. This Court has jurisdiction over this case pursuant to 28 U.S.C. §§1331 and 1343.

6. Defendant is found doing business within the Middle District of Pennsylvania, and a substantial part of the events or omissions giving rise to the claim occurred within the Middle District of Pennsylvania.

7. Venue is proper in the Middle District of Pennsylvania pursuant to 28 U.S.C. §1391.

8. Vuocolo's age is within the range protected by the Age Discrimination in Employment Act.

9. From in or about 1989 until in or about March 2019, Vuocolo was employed by Fairfield Auto Group in Montoursville, Lycoming County, Pennsylvania, initially as Assistant Controller, and then, shortly after hire, as Controller/Comptroller.

10. In or about March 2019, Fairfield Auto Group sold four of its franchises (BMW, Honda, Hyundai, and Toyota) to Defendant.

11. Vuocolo was closely involved in providing certain financial information to Defendant to help enable and facilitate this transaction.

12. After the purchase by Defendant, the four franchises were collectively known as the Williamsport Campus of Ciocca.

13. In April 2019 after the conclusion of the transaction, Vuocolo was hired by Defendant as the Williamsport Campus Controller, over all four locations, and was based primarily at the Toyota location.

14. The Williamsport Campus Area Manager, over all four locations, was Brian Lewis, who is substantially younger than Vuocolo.

15. During the transaction, Vuocolo had worked closely with Ciocca CFO Aaron Winiarz, whom she considered as her supervisor after she was hired by Defendant, and referred to him as such.

16. Vuocolo was never told differently until her termination by Defendant, on July 12, 2019, when it was indicated that Mr. Lewis was her supervisor.

17. On July 12, 2019, without any warning or notice, Vuocolo was informed by Mr. Lewis that she was being terminated because she “could not keep the pace” and “could not keep up with the technology.” Indeed, the written termination notice similarly states, *inter alia*, “the offices have not been able to keep up with our fast pace.”

18. The reasons given for Vuocolo’s termination are false and pretextual.

19. Following her termination, Vuocolo was replaced within days by Tessa Shorb, who is substantially younger than Vuocolo.

20. Defendant has an admitted history of seeking out, recruiting and hiring substantially younger employees, particularly millennials.

21. Gregg Ciocca, the founder, owner and dealer principal of Defendant, admitted in an article published in Automotive News on July 13, 2015 that he preferred to hire millennials. The article states as follows:

It took Gregg Ciocca, dealer principal of Ciocca Dealerships, the better part of a decade to build a strong millennial contingent on his sales staff.

Ciocca and other dealers who have gone through a similar painful learning curve agree on the keys to staffing with millennials: meticulous vetting and intensive interviewing.

The technique didn't work perfectly right off the bat. "It took the better part of 6 years to get this going," Ciocca said. "It has really escalated over the past three or four years."

When Ciocca started actively seeking millennials for his staff, he spent a lot of time and money on employees who didn't work out. "We had a lot of 'free agents' who were kind of in and out," Ciocca said. "So I went to our strategic partners at Ethos and said, 'I have to be better at this.'"

Ethos Group is a finance and insurance consulting firm that also offers hiring and training consultation to its dealer customers. The firm travels to college campuses to recruit a collection of young workers for its dealers to choose from.

With the help of Ethos, Ciocca was able to compile a deep pool of qualified millennials who met his specific qualifications.

This pipeline helped Ciocca to hire whom he wanted off the bat, rather than sinking time and money into intensive training.

“They pick up on things quickly,” he said. “Plus, they’re trained the way we want and situated to stick around.”

Ciocca prefers to hire millennials with no background in retail or the automotive business so that he doesn’t have to untrain or refocus them.

“They don’t have any preconceived notions about the business, and we can train them the way we want - properly,” he said.

Ciocca said his millennial hires finally started sticking around when he put all of his efforts into meeting them halfway – but it didn’t come at a small price. He has gone as far as changing his stores’ hours to accommodate millennials’ preferred work conditions. Ciocca Dealerships used to be open from 8 a.m. to 10 p.m. but now close at 8 p.m.

“Their time off with friends and family is important to them,” he said. “For millennials, it’s not the quantity of the work they’re putting in that’s important to them – it’s the quality of the time they put in. It’s a work hard, play hard mentality.

See Exhibit “A” attached hereto.

22. The Ethos Group website, ethosgroup.com, states, regarding recruiting:

We have developed and maintained relationships with placement offices all over the country. Our teams are highly active on university campuses, where we have a constant presence. Initiatives include relationship building with campus recruiting centers, sororities and fraternities, active engagement in student organizations, sponsorships and hosted info sessions. These combined efforts have proven successful in promoting the automotive industry, making valuable connections and directing career paths to our clients.

See Exhibit “B” attached hereto.

23. Defendant’s emphasis on and preference for substantially younger employees is also evidenced on Defendant’s website, cioccadealerships.com, under

the Employer Appreciation section where, of the 21 employees highlighted, all appear substantially younger than Vuocolo, as is also reflected in the biographical information provided by the individuals. *See* Exhibit “C” attached hereto.

24. A substantial, motivating or determinative factor in Defendant’s termination of Vuocolo’s employment was Vuocolo’s age.

25. Defendant acted with intent and/or engaged in the unlawful practices maliciously, willfully, in bad faith, or with reckless disregard and indifference to Vuocolo’s rights.

26. As a result of Defendant’s conduct, Vuocolo has suffered lost wages and benefits, lost future wages and benefits, humiliation, emotional distress, and such other damages as may become apparent.

COUNT I

27. Paragraphs 1 through 26 are incorporated herein by reference as though fully set forth.

28. Defendant violated the ADEA by terminating Vuocolo’s employment due to her age.

29. Vuocolo seeks all rights and remedies to which she is entitled pursuant to the ADEA, including compensatory and liquidated and/or punitive damages, declaratory and injunctive relief, and attorneys’ fees and costs.

WHEREFORE, Vuocolo respectfully prays This Honorable Court enter judgment in her favor, and award her damages for lost wages and benefits, lost future

wages and benefits, humiliation, emotional distress, punitive and/or liquidated damages, declaratory and injunctive relief, attorneys' fees and costs, and such other relief as is appropriate. Plaintiff demands a jury trial.

Respectfully submitted,

RIEDERS, TRAVIS, HUMPHREY,
WATERS & DOHRMANN

/s/Jeffrey C. Dohrmann, Esquire
Jeffrey C. Dohrmann, Esquire
Attorney for Plaintiff
PA ID #68870
161 West Third Street
Williamsport, PA 17701
(570) 323-8711 (telephone)
(570) 323-4192 (fax)
jdohrmann@riederstravis.com